

# Wal-Mart Stores Inc.

## Fax Coversheet

**Date:** 10/29/20

**From:** DoNotReply@wal-mart.com

**Email:** DoNotReply@wal-mart.com

**To:**

**Fax:** 14792775991

**Subject:** STORE:isp.s02905.us

**Notes:** Confidential Wal-Mart Stores, Inc.

This fax and any files transmitted with it are CONFIDENTIAL and intended solely for the individual or entity to whom they are addressed. If you have received this in error please destroy it immediately.



## Email/Fax Coversheet

*(Michael)*  
Sm. Mike Arthur  
Sm. Marcos Mata

To: Legal Department/ Central Intake

Date: 10/29/20

Store or Club Number: 2905

Fax: 479-277-5991

Date Received: 10/29/20

Email: Legal@walmartlegal.com

Total Pages: 9 (including cover)

Phone: 479-273-4505

Hearing Date: 11/6

Instructions: Fax or email documents with coversheet to the Legal Department, make a copy for your records and mail in the originals to Walmart Legal Department 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716-0215. If you have any questions, please call the Legal Department Operator at 479-273-4505.

Store Comments:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND  
-----  
LISA DEMELIO,

Plaintiff/Petitioner,

- against -  
Index No. 034940/2020

WAL-MART STORES, INC d/b/a  
WAL-MART STORE #2905,

Defendant/Respondent.

-----  
**NOTICE OF ELECTRONIC FILING**  
(Consensual Case)  
(Uniform Rule § 202.5-b)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)).

Dated: 10/28/2020

Jeffrey B. Saunders	151 North Main Street, Suite 300
Name	New City, NY 10956
Firm Name	Address
	845-267-4878
	Phone
	<a href="mailto:jsaunders@beldockandsaunderslaw.com">jsaunders@beldockandsaunderslaw.com</a>
	E-Mail
To:	Wal-Mart Store #2905
	250 Route 59
	Suffern, NY 10901

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

LISA DEMELIO,

Index No.

Date purchased:

Plaintiffs designates  
ROCKLAND County as  
place of trial

Plaintiffs,  
The basis of the venue  
is Plaintiff's place  
of residence

-against-

**SUMMONS**

WAL-MART STORES, INC. d/b/a WAL-MART  
STORE #2905

Plaintiff's Residence  
17 Rammler Lane  
Bardonia, NY 10954  
County of Rockland

Defendants,

**TO THE ABOVE-NAMED DEFENDANT:**

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New City, New York  
October 22, 2020

Yours, etc.,

BELDOCK & SAUNDERS, P.C.

By:

  
Jeffrey B. Saunders, Esq.  
Attorneys for Plaintiff  
151 North Main Street, Suite 300  
New City, New York 10956  
(845) 267-4878

**Defendant's address:**

WAL-MART STORES, INC.  
C/O CT CORPORATION SYSTEM  
111 8TH AVENUE  
NEW YORK, NY 10011

WAL-MART STORE #2905  
250 ROUTE 59  
SUFFERN, NY 10901

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

LISA DEMELIO,

Plaintiff,  
- against -

VERIFIED COMPLAINT

WAL-MART STORES, INC. d/b/a WAL-MART  
STORE #2905,

Defendant.

Plaintiff, by her attorneys, BELDOCK & SAUNDERS, P.C., as  
and for her Complaint, complaining of the defendant, respectfully sets  
forth and alleges as follows:

FIRST: That at all times hereinafter mentioned, plaintiff  
was and still is a resident of the County of Rockland, State of New  
York.

SECOND: Upon information and belief, that at all times  
hereinafter mentioned, defendant WAL-MART STORES, INC. d/b/a WAL-MART  
STORE #2905, hereinafter referred to as "WAL-MART", was and still is a  
foreign business corporation duly organized and existing under and by  
virtue of the Laws of the State of Delaware, and is duly licensed to  
do business in the State of New York.

THIRD: Upon information and belief, that at all times  
hereinafter mentioned, defendant WAL-MART, owned, operated, managed,  
maintained and controlled a certain premises located at 250 Route 59,  
Suffern, County of Rockland, State of New York.

FOURTH: Upon information and belief, that at all times

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premises, floors and aisles in such a manner as to cause and permit the aforesaid floors and aisles to be, become and remain in an unsafe, wet, improper, hazardous and dangerous condition, which condition consisted of a wet, slippery floor, which condition was created by the defendant, its agents, servants and/or employees, and/or had notice thereof, which condition consisted of a trap as well as a negligent and improper condition; in that the defendant, its agents, servants and/or employees failed to prevent the aforesaid floors from remaining in such condition; failed, omitted and neglected to properly maintain the floors/aisles and failed to clean and/or maintain the aforesaid floors and aisles in a reasonable condition; in negligently, carelessly and recklessly failing and/or omitting to correct the aforesaid defective condition of the floors within a reasonable period of time although the defendant, its agents, servants and/or employees had notice, or by the use and reasonable care and inspection therein might and should have had notice, and the defendant, its agents, servants and/or employees failed, omitted and neglected to correct the condition of the wet and slippery floor condition, failed to warn customers of the dangerous condition existing thereat despite the actual and constructive knowledge and notice thereof; the defendant, its agents, servants and/or employees created the wet and slippery floor and failed, neglected and omitted to provide a safe place for the plaintiff and others to walk upon.

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TENTH: That by reason of the above, plaintiff became sick, sore, lame, bruised and disabled, sustained serious injuries in and about divers parts of her body, experienced great pain and suffering, and plaintiff suffers and continues to suffer from said injuries and plaintiff has been informed, and verily believes, that said injuries are of a permanent nature and plaintiff was incapacitated for a long period of time and plaintiff was obliged to and did incur expenses for medical care, treatment and attention and will, in the future, be required to expend additional sums of money for such medical care, treatment and attention.

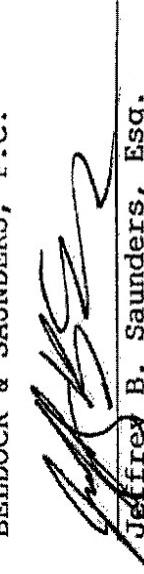
ELEVENTH: This accident falls within one or more of the exceptions set forth in CPLR Section 1602.

TWELFTH: That by reason of the foregoing, plaintiff has been damaged in an amount that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendants in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New City, New York  
October 22, 2020

Yours, etc.,  
BELDOCK & SAUNDERS, P.C.

  
By: Jeffrey B. Saunders, Esq.

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MSG# 1450673117-006-1

Oct 29 2020 14:18:38 CDT FROM: F2M/83251455037

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Attorneys for Plaintiff  
151 North Main Street, Suite 300  
New City, New York 10956  
(845) 267-4878

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ROCKLAND )

Lisa Demelio, being sworn says:

I am the plaintiff in the action herein; I have read the annexed **VERIFIED COMPLAINT** and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Dated: New City, New York  
October 22, 2020

STATE OF NEW YORK  
COUNTY OF DOCKT AND  
) :ss

On the 22<sup>nd</sup> day of October, 2020, before me personally came LISA DEMELIO, to me known, and known to me to be the same person described in and who executed the foregoing consent and acknowledged to me that he executed same

John D. Miller

LISA DEMELLO

JEFFREY B. SAUNDERS  
NOTARY PUBLIC STATE OF NEW  
HAMPSHIRE  
HUCKLEBERRY COUNTY  
COMMERCIAL